



**Department of the Treasury
Internal Revenue Service
Privacy, Governmental Liaison and
Disclosure**

GLDS Support Services

Stop 93A
PO Box 621506
Atlanta, GA 30362

Peter Schiff
22 The Estates
Dorado, PR 00646

Date:

September 14, 2023

Employee name:

Lauri Takeguchi

Employee ID number:

1000682891

Telephone number:

408-283-1465

Fax number:

855-205-9335

Case number:

2023-20637

Dear Peter Schiff:

This is an interim response to your Freedom of Information Act (FOIA) request dated August 5, 2023, received in our office on August 7, 2023.

On August 22, 2023, you agreed to rescope your request to the following emails and text messages:

- A copy of the email thread between Luke Rosiak and Justin Cole, which includes the original email from Rosiak to Cole, and any other emails that replied to that thread.
- Copies of any email or text messages sent from Justin Cole to Jim Lee that pertains to that email, and all emails or text messages between Jim Lee and either Will Day, Natalia Zequeira, Matthew Goldstein, Nick Mckenzie, or Charlotte Grieve. The time period for those emails and text messages would be from the date of the email from Luke Rosiak to Justin Cole, to the present.

In response to the first bullet of your request seeking a copy of the email thread between Luke Rosiak and Justin Cole, which includes the original email from Rosiak to Cole, and any other emails that replied to that thread. We searched for, and located, 30 pages responsive to your request.

Of the 30 pages located in response to your request, we're enclosing 30 pages. We're releasing 11 pages without exemptions and withholding 19 pages in part. This is an interim response, so we'll continue processing the rest of your request and provide your appeal rights in our final response. Redacted portions of each page are marked by the applicable FOIA exemptions which are described below:

FOIA exemption (b)(5) exempts from disclosure inter or intra-agency memorandums which wouldn't be available by law to parties other than those in litigation with the agency. The exemption privileges covered in this response are:

- The deliberative process privilege, which protects documents that reflect the pre-decisional opinions and deliberations on legal or policy matters.
- The attorney work product privilege, which protects materials prepared in reasonable anticipation of litigation by an attorney or other Service employee.
- The attorney-client privilege, which protects confidential communications between an attorney and a client relating to a legal matter for which the client has sought professional advice.

FOIA exemption (b)(6) exempts from disclosure files that would constitute an unwarranted invasion of personal privacy. We base the determination to withhold on balancing interests between the protection of an individual's right to privacy and the public's right to access government information.

FOIA exemption (b)(7)(A) exempts from disclosure records or information compiled for law enforcement purposes, to the extent that releasing such records could interfere with enforcement proceedings.

While reviewing the responsive records and applying FOIA exemptions to withheld records, we considered that there is either a foreseeable harm in releasing withheld information, or the information is prohibited from being released by law.

If you have questions regarding the processing of your FOIA request, please contact the caseworker assigned to your case at the phone number listed at the top of this letter.

If you are not able to resolve any concerns you may have regarding our response with the caseworker, you have the right to seek dispute resolution services by contacting our FOIA Public Liaisons at 312-292-3297. The FOIA Public Liaison is responsible for assisting in reducing delays, increasing transparency, and assisting in the resolution of disputes with respect to the FOIA.

There is no provision for the FOIA Public Liaison to address non-FOIA concerns such as return filing and other tax-related matters or personnel matters. If you need assistance with tax-related issues, you may call the IRS at 800-829-1040.

You also have the right to contact the Office of Government Information Services (OGIS). The Office of Government Information Services, the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road--OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,

A handwritten signature in black ink that reads "D. Fitti-Hafer". The signature is written in a cursive style with a large initial "D".

Deanna Fitti-Hafer
Disclosure Manager
Disclosure Office 13

Enclosure:
Responsive documents

From: [Luke Rosiak](#)
To: [Cole Justin T](#)
Subject: [EXT]J5 Operation Atlantis
Date: Monday, June 26, 2023 5:01:50 PM

Hi Justin,
I'm an investigative reporter with The Daily Wire. I wanted to follow up on the J5's Operation Atlantis, as referenced in this June 2022 press release:

<https://www.irs.gov/pub/irs-utl/j5-media-release-6-30-2022.pdf>

Can you provide me a list of Euro Pacific Bank customers who have been charged and, if applicable, convicted stemming from this investigation, in the US or other J5 jurisdictions? Online, I only see reference to two arrests in the UK.

Thanks,
Luke Rosiak

(b)(6)

From: [Burke Anthony](#)
To: [Cole Justin T](#)
Cc: [Cutrell Carissa F](#)
Subject: FW: [EXT] Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Thursday, June 29, 2023 4:15:25 PM

Hi Justin, please see the request below.

From: Luke Rosiak <lrosiak@dailywire.com>
Sent: Thursday, June 29, 2023 4:13 PM
To: Burke Anthony (b)(6)
Subject: [EXT] Jim Lee/Criminal Investigations/J5 media query from Daily Wire

Hi Anthony,

I'm a reporter for The Daily Wire. I apologize for the somewhat long email below, but I wanted to make sure that you know what I am working on and to give you a fair chance to respond in detail. I'm looking at publishing mid-next week.

I'm writing about a case referenced in this June 2022 [IRS press release](#). In it, IRS Criminal Investigations Chief Jim Lee traveled to Puerto Rico to give [remarks](#) on the closing of a bank called Euro Pacific. The IRS, as part of the international [J5](#), beginning in 2020 heralded its investigation into the bank's suspected tax evasion or money laundering as the first major action of J5, one ["unprecedented"](#) in scope.

In October 2021, multiple news outlets learned details of the investigations, including grand jury materials such as a subpoena, and cited official sources. Though the investigation ultimately never resulted in charges against the bank, the publicity about the existence of an investigation led to numerous financial consequences.

In June 2022, the Puerto Rico regulator (OCIF) shut down the bank and blocked its sale, citing in part negative media coverage around the bank--which was the result of the grand jury leaks. Though OCIF wouldn't ordinarily hold a press conference for such regulatory action, J5, IRS/Lee, and OCIF held a press conference that gave the strong (but false) impression that the shuttering of the bank was linked to the tax evasion investigation. Indeed, that was the headline of most articles written about it.

At the press conference, Lee said "In January of 2020, each of the J5 countries participated in a global coordinated day of action to put a stop to the suspected facilitation of offshore tax evasion and money laundering by a suspected bank in Puerto Rico... The operation from the J5 was dubbed Operation Atlantis, and the bank was Euro Pacific Bank... This action really touches on a massive undertaking by many partners to secure the financial system, shut down fraudulent entities."

However, IRS never established any criminal wrongdoing on behalf of the bank, or even, to my knowledge, any of its customers related to their accounts. Indeed, an Australian court issued a defamation verdict against a media outlet for its 2021 report based on law enforcement leaks. In the questions portion of the press conference, OCIF clarified to a confused reporter that the closure of

the bank, in fact, had nothing to do with the J5 investigation or tax evasion or money laundering.

I was under the impression that grand jury investigations are under strict secrecy, and that criminal investigators either refer something for charges or do not, but should not seek to give the impression of guilt in public statements against an entity who they did not charge.

I have the following questions for the IRS:

1) What are the names, criminal charges, jurisdiction, and criminal resolution of anyone ultimately charged for misconduct using or enabled by Euro Pacific Bank as part of Operation Atlantis?

2) Was a leak investigation initiated into who was responsible for leaking grand jury information to the media in October 2021, an apparent 6E violation, and what did it find? In June 2022, Who alerted the New York Times to the press conference before Euro Pacific even knew it was being closed?

3) Who authorized Jim Lee to appear at the press conference heralding the shuttering of a bank of which IRS did not substantiate criminal charges? Whose idea was it to hold a press conference? Did this comport with laws, procedures, and ethics rules related to what criminal investigators should say about a party who they did not criminally charge? Has Lee faced any discipline related to Operation Atlantis or this press conference? Does the IRS contend that a reasonable person would not infer from the IRS' presence that the closure had something to do with the IRS' investigation?

4) When a reporter asked if the bank's owner, Peter Schiff, was being investigated, Lee said "I'm not at liberty to disclose who's being investigated." Why was he at liberty to say that Euro Pacific was under investigation, but could not say whether or not Peter Schiff is? Given that it was leaked, ultimately from government sources, that Schiff (or his bank) was under investigation, should the IRS state that the investigation is closed, if in fact it is?

5) How much money did the IRS spend on Operation Atlantis?

Additionally, in the interest of transparency, I ask that you expedite my FOIA 2023-17982, which also relates to this case.

Thanks,

Luke Rosiak

(b)(6)

From: [Cole Justin T](#)
To: [Lee James C](#)
Subject: FW: [EXT] Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Thursday, June 29, 2023 4:48:13 PM

For discussion....

Justin T Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave, NW, Room 2526
Washington, DC 20224

(b)(6)

From: Burke Anthony <(b)(6)>
Sent: Jun 29, 2023 4:15 PM
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(b)(6)

From: [Cole Justin T](#)
To: [Lee James C](#)
Cc: [Cole Justin T](#)
Subject: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Wednesday, July 05, 2023 11:26:00 AM
Attachments: [image001.png](#)

Chief,

(b)(5) Deliberative Process Privilege; (b)(7)(A)

Thanks,
Justin

Justin T. Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave., N.W, Room #2425
Washington, D.C. 20224

(b)(6)

(b)(6)



From: Burke Anthony (b)(6)
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To: Cole Justin T (b)(6)
Cc: Cutrell Carissa F (b)(6)
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IRS:CI

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(b)(6)

From: [Cole Justin T](#)
To: [Luke Rosiak](#)
Cc: [Cole Justin T](#)
Subject: RE: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Wednesday, July 05, 2023 5:06:00 PM
Attachments: [image001.png](#)

Hi Luke,
Unfortunately, we are unable to comment at this time.
Thanks,
Justin

Justin T. Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave., N.W, Room #2425
Washington, D.C. 20224

(b)(6)



From: Luke Rosiak <lrosiak@dailywire.com>
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IRS:CI

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From: Cole Justin T
To: (b)(6)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Thursday, June 29, 2023 7:51:00 PM
Attachments: image001.png

As discussed. What alerts me is the subject line that even though I'd be answering for Jim, it really would be on behalf of the J5. Wanted you to be read-in as we work through proposed responses (if any are allowed or appropriate) over the next few days.

Thanks!

Justin T. Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave., N.W, Room #2425
Washington, D.C. 20224

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From: [Cole Justin T](#)
To: (b)(6)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Thursday, June 29, 2023 7:58:00 PM
Attachments: [image001.png](#)

(b)(5) Deliberative Process Privilege; (b)(7)(A)

Justin T. Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave., N.W, Room #2425
Washington, D.C. 20224

(b)(6)



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Sent: Thursday, June 29, 2023 7:51 PM
To: (b)(6)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire

(b)(5) Deliberative Process Privilege; (b)(7)(A)

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IRS:CI



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I was under the impression that grand jury investigations are under strict secrecy, and that criminal investigators either refer something for charges or do not, but should not seek to give the

impression of guilt in public statements against an entity who they did not charge.

I have the following questions for the IRS:

1) What are the names, criminal charges, jurisdiction, and criminal resolution of anyone ultimately charged for misconduct using or enabled by Euro Pacific Bank as part of Operation Atlantis?

2) Was a leak investigation initiated into who was responsible for leaking grand jury information to the media in October 2021, an apparent 6E violation, and what did it find? In June 2022, Who alerted the New York Times to the press conference before Euro Pacific even knew it was being closed?

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4) When a reporter asked if the bank's owner, Peter Schiff, was being investigated, Lee said "I'm not at liberty to disclose who's being investigated." Why was he at liberty to say that Euro Pacific was under investigation, but could not say whether or not Peter Schiff is? Given that it was leaked, ultimately from government sources, that Schiff (or his bank) was under investigation, should the IRS state that the investigation is closed, if in fact it is?

5) How much money did the IRS spend on Operation Atlantis?

Additionally, in the interest of transparency, I ask that you expedite my FOIA 2023-17982, which also relates to this case.

Thanks,
Luke Rosiak

(b)(6)

From: [Cole Justin T](#)
To: [Hadden Elizabeth C - CT](#)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Thursday, June 29, 2023 9:43:00 PM
Attachments: [image001.png](#)

Hi there,

(b)(5) Deliberative Process Privilege; (b)(7)(A)

Thanks!

Justin

Justin T. Cole
Director, Office of Communication
IRS Criminal Investigation
1111 Constitution Ave., N.W, Room #2425
Washington, D.C. 20224

(b)(6)



From: Luke Rosiak <lrosiak@dailywire.com>
Sent: Thursday, June 29, 2023 4:13 PM
Subject: [EXT] Jim Lee/Criminal Investigations/J5 media query from Daily Wire

Hi,

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In October 2021, multiple news outlets learned details of the investigations, including grand jury materials such as a subpoena, and cited official sources. Though the investigation ultimately never resulted in charges against the bank, the publicity about the existence of an investigation led to



IRS:CI

numerous financial consequences.

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(b)(6)

From: [Cole Justin T](#)
To: [Cutrell Carissa F](#)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Friday, June 30, 2023 3:16:00 PM

We haven't touched base about this yet, but I've got this one. Very tricky one, working with counsel and J5 partners on response – if anything...

From: Luke Rosiak <lrosiak@dailywire.com>
Sent: Thursday, June 29, 2023 4:13 PM
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From: [Cole Justin T](#)
To: (b)(6) (b)(6)
Subject: FW: Jim Lee/Criminal Investigations/J5 media query from Daily Wire
Date: Monday, July 03, 2023 12:52:00 PM

Thanks for the call you guys. Good to get coordinated on this. As discussed, here is the media inquiry we received. More to follow.

Thanks!
Justin

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